

REMARKS

Claims 1, 7, 8, and 15-20 are all the claims presently pending in this application. All other claims have been canceled in reliance upon the Examiner's previous indication of allowable subject matter.

In the latest Office Action, the Examiner retracts this earlier allowability and presents a new rejection based on US Patent Publication No. US 2007/0060212 to Shah.

It is noted that the amendments, if any, are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1 and 15 stand rejected under 35 U.S.C. §103(a) as unpatentable over US Patent Publication No. 20070060212 to Shah, further in view of US Patent Publication No. 2004/0192412 to Ono et al. Claims 7, 8, 13, 14, 19, and 20 stand rejected under 35 U.S.C. §103(a) as unpatentable over Shah/Ono, further in view of GB 2,343,335 to Okano. Claims 16-18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Shah/Ono, further in view of US Patent 7,062,303 to Usami.

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention, as defined, for example, by independent claim 1, is directed to a mobile terminal including, a battery, a power supply block which supplies power of the battery, a radio communication block which communicates with a base station when the power is supplied from the battery through the power supply block, a first switch which is interposed between the power supply block and the radio communication block, a key operation section to which the power is always supplied from the battery through the power supply block, and a control unit which controls the first switch to stop the power supply from the battery to the radio communication block to stop communication between the mobile terminal and the base station in response to a manual operation of the key operation section, a base band block which is connected with the first switch, an application function block to which the power is always supplied from the battery through the power supply block and is

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possible to accomplish application functions, and a second switch which is interposed between the application function block and the base band block, wherein the power supply to the base band block is stopped when the control unit controls the first switch to stop the power supply from the battery to the radio communication block in response to the manual operation of the key operation section, and wherein the control unit is contained in the application function block and controls the second switch to disconnect the base band block from the application function block.

The claimed invention, as defined, for example, by independent claim 15, is directed to mobile terminal including, a battery, a power supply block which supplies power of the battery, a radio communication block which communicates with a base station when the power is supplied from the battery through the power supply block, a first switch interposed between the power supply block and the radio communication block, a key operation section to which the power is always supplied from the battery through the power supply block, a base band block to which the power is always supplied from the battery through the power supply block which accomplishes application functions other than a communication function using the radio communication block, a second switch interposed between the base band block and the radio communication block, a control unit which is responsive to a manual operation from the key operation section that controls the first switch to stop the power supply from the battery to the radio communication block, and controls the second switch to stop communication between the base band block and the radio communication block.

II. THE PRIOR ART REJECTIONS

The Examiner alleges that one having ordinary skill in the art would have motivated to modify primary reference Shah by Ono to render obvious claims 1 and 15, would have been motivated to further modify Shah/Ono by Okano to render obvious claims 7, 8, 13, 14, 19, and 20, and would have been motivated to further modify Shah/Ono by Usami to render obvious claims 16-18.

Applicant respectfully disagrees, since even if Shah were to be combined with secondary reference Ono, the combination would not result in the claimed invention of claims 1 and 15.

The Examiner concedes that primary reference Shah fails to teach or suggest a second switch interposed between the application function block and the base band block and relies upon secondary reference Ono, pointing to Figures 2 and 3.

However, Applicant respectfully disagrees that these two figures in Ono satisfy the plain meaning of the claim language of independent claims 1 and 15, since the switching means 1021 and 1025 shown in these figures provide switching between the application function block and the main display unit (Figure 2) and between the application function block and the audio function (Figure 3).

In contrast, the claimed invention requires the second switching be between the application function block and the base band block, a concept entirely different from switching the connections to output devices such as audio and visual display units.

The Examiner relies upon the other cited references for reasons unrelated to overcoming this fundamental deficiency of primary reference Shah, so that these additional references do not overcome this deficiency in Shah.

Hence, turning to the clear language of the claims, in Shah, even if modified by Ono, there is no teaching or suggestion of: “... a second switch which is interposed between said application function block and said base band block, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section, and wherein said control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block”, as required by independent claim 1. The remaining independent claims have similar language, and Applicant submits that all pending claims are clearly patentable over Shah.

Therefore, Applicant submits that there are features of the present invention which are not demonstrated in Shah, even if modified by the cited secondary references and even if it were consider proper to modify Shah by these secondary references, and the Examiner is respectfully requested to reconsider and withdraw this rejection based on Shah.

However, it is further noted that the US Supreme Court confirmed in its recent holding in *KSR* that an obviousness rejection requires an articulation of a rationale for modifying the primary reference. In the rejection of record, the Examiner seemingly relies upon the rationale that two switches would be a known substitution for the single switch shown in primary reference Shah. In response, Applicant respectfully points out that using two switches instead of one would clearly not be a simple substitution common in the art, if for no other reason that two switches would require additional cost. Moreover, the configuration shown in Ono is not the same as that shown in primary reference Shah, and the switching means 1021, 1025 in Ono is not related to the power supply switch 12 of primary

reference Shah, which the Examiner considers to correspond to the "first switch" of the claimed invention. Therefore, Applicant submits that the rejection currently of record fails to articulate a reasonable rationale to modify primary reference Shah, thereby failing to provide a *prima facie* obviousness rejection.

The analysis for dependent claims 7, 8, and 16-20 inherit the deficiencies identified above for the rejection of their respective independent claims.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 7, 8, and 15-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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